## Case 1:04-cr-10319JWGYED STOCTIME IN 124TRICFILE CONTROL Page 1 of 2 DISTRICT OF MASSACHUSETTS

UNITED STATES	)	
v.	)	
	)	Criminal No.: 04 CR 10319 WGY
Noel Hernandez,	)	
Defendant.	)	
	)	

## DEFENDANT HERNANDEZ'S MOTION TO CONTINUE ARRAIGNMENT

NOW COMES the Defendant, Noel Hernandez, through counsel, and respectfully moves this Honorable Court to continue the Arraignment from October 26, 2004, to the morning of October 27, 2004. In support thereof counsel states the following:

- 1) On October 19, 2004, this Court scheduled Mr. Hernandez's Arraignment on the Superceding Indictment for October 26, 2004, at 10:00 am.
  - 2) The undersigned counsel has a previously scheduled deposition in a wrongful death case, which took months to schedule, and which would constitute a substantial hardship for multiple parties to reschedule.
  - 3) The Government through its representative, Assistant United States Attorney Robert Peabody, has assented to the instant motion.

as requested.

Respectfully submitted,

Peter Charles Horstmann, Esquire

BBO #556379

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Boston, Massachusetts 02116

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Attorney for Defendant Noel Hernandez

## **CERTIFICATE OF SERVICE**

I, Peter Charles Horstmann, Esquire, hereby certify that on this day of October, 2004, a copy of the foregoing DEFENDANT'S MOTION TO CONTINUE ARRAIGNMENT was served, electronically upon Robert Peabody, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210.

Peter Charles Horstmann, Esquire